

JOURNAL OF THE HOUSE.

Thursday, June 3, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, Your guidance and assistance enables us to serve You and constituents faithfully and conscientiously. Your help also assists us in making the right and the most reasonable legislative choices in these changing times with new changing challenges. In evaluating today's complex, often emotional, legislative, policy and people issues, teach us to be attentive listeners with open minds to the thoughts and experiences of others. Inspire us to be guided in our own decision making process by accurate data, traditional principles, a clear awareness of today's needs and our own human, personal and religious values.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Messages from the Governor.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to restoring financial stability in the city of Springfield (House, No. 4799) was filed in the office of the Clerk on Thursday, June 3.

Springfield,
financial
stability.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

A message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4800) was filed in the office of the Clerk on Thursday, June 3.

Supplemental
appropriations.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mrs. Harkins of Needham) congratulating Dr. Christopher J. Salvo on the occasion of his retirement;

Christopher J.
Salvo.

Allan Clarke. Resolutions (filed by Representatives Blumer of Framingham and Spilka of Ashland) congratulating Allan Clarke on receiving the Eagle Award of the Boy Scouts of America;

Laurie and Dick Daly. Resolutions (filed by Representatives Blumer of Framingham and Spilka of Ashland) honoring Laurie and Dick Daly;

Benjamin Lebson. Resolutions (filed by Representatives Blumer of Framingham and Spilka of Ashland) congratulating Benjamin Lebson on receiving the Eagle Award of the Boy Scouts of America;

Edward Roos. Resolutions (filed by Representatives Blumer of Framingham and Spilka of Ashland) congratulating Edward Roos on receiving the Eagle Award of the Boy Scouts of America;

Peter Lagorio. Resolutions (filed by Messrs. Falzone of Saugus and Jones of North Reading) congratulating Peter Lagorio on receiving the Eagle Award of the Boy Scouts of America;

Jonathan Richman. Resolutions (filed by Messrs. Falzone of Saugus and Jones of North Reading) congratulating Jonathan Richman on receiving the Eagle Award of the Boy Scouts of America;

John Patrick Walsh. Resolutions (filed by Messrs. Falzone of Saugus and Jones of North Reading) congratulating John Patrick Walsh on receiving the Eagle Award of the Boy Scouts of America;

Canton, Wampatuck Country Club. Resolutions (filed by Mr. Galvin of Canton) on the occasion of its one hundredth anniversary of the Wampatuck Country Club of Canton;

Charles F. Large. Resolutions (filed by Messrs. Galvin of Canton and Kafka of Stoughton) honoring Charles F. Large;

Hinsdale, bicentennial. Resolutions (filed by Mr. Kelly of Dalton) congratulating the town of Hinsdale on the occasion of its bicentennial celebration;

Northampton, anniversary. Resolutions (filed by Mr. Kocot of Northampton) on the three hundred fiftieth anniversary of the founding of the city of Northampton;

Alice Helen Belmore. Resolutions (filed by Mr. LeDuc of Marlborough) congratulating Alice Helen Belmore on the occasion of her one hundredth birthday;

Naushon Hale. Resolutions (filed by Messrs. O'Brien of Kingston and Webster of Hanson) congratulating Naushon Hale on receiving the Eagle Award of the Boy Scouts of America;

William Osterhaus. Resolutions (filed by Mrs. Paulsen of Belmont) congratulating Chief William Osterhaus on the occasion of his retirement;

Foster Wright. Resolutions (filed by Mrs. Paulsen of Belmont) congratulating Foster Wright on the occasion of his retirement;

Joseph M. Crosby. Resolutions (filed by Mr. Rush of Boston) honoring Joseph M. Crosby;

Robert and Mary Fitzgerald. Resolutions (filed by Mr. Timilty of Milton) congratulating Mr. and Mrs. Robert M. Fitzgerald of Milton on receiving the Citizen of the Year Award;

Alexander T. Birse. Resolutions (filed by Mrs. Walrath of Stow) congratulating Alexander T. Birse on receiving the Eagle Award of the Boy Scouts of America;

Neil P. Bonner. Resolutions (filed by Mrs. Walrath of Stow) congratulating Neil P. Bonner on receiving the Eagle Award of the Boy Scouts of America;

Alexander W. Elliott. Resolutions (filed by Mrs. Walrath of Stow) congratulating Alexander W. Elliott on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Walrath of Stow) congratulating Simon Juul Hindsgaul on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Walrath of Stow) congratulating Katherine Hoar on receiving the Gold Award of the Girl Scouts of America; and

Resolutions (filed by Mrs. Walrath of Stow) congratulating Benjamin J. Tamker on receiving the Eagle Award of the Boy Scouts of America;

Mr. Miceli of Wilmington, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Rushing of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Bosley of North Adams, petition (accompanied by bill, House, No. 4772) of Daniel E. Bosley (by vote of the town) for legislation to provide for recall elections for office holders in the town of Rowe; and

By Mr. Eldridge of Acton, petition (accompanied by bill, House, No. 4773) of James B. Eldridge, Harold P. Naughton and Robert A. Antonioni (by vote of the town) that the town of Lancaster be authorized to place all five offices of the finance committee on the 2005 ballot;

Severally to the committee on Election Laws.

By Mr. Carron of Southbridge, petition (accompanied by bill, House, No. 4774) of Michael A. Costello and Steven A. Baddour (by vote of the town) that the licensing authority of the town of Amesbury be authorized to issue additional licenses for the sale of all alcoholic beverages to be drunk on the premises. To the committee on Government Regulations.

By Ms. Atkins of Concord, petition (accompanied by bill, House, No. 4775) of Cory Atkins and Susan C. Fargo (by vote of the town) relative to establishing the Concord Housing Development Corporation; and

By Mrs. Gomes of Harwich, petition (accompanied by bill, House, No. 4776) of Shirley Gomes and Robert A. O'Leary (by vote of the town) that the town of Wellfleet be authorized to establish an affordable housing trust fund;

Severally to the committee on Housing and Urban Development.

By Ms. Atkins of Concord, petition (accompanied by bill, House, No. 4777) of Cory Atkins and Susan C. Fargo (by vote of the town) that the town of Concord be authorized to establish a post-retirement group insurance trust fund. To the committee on Insurance.

By the same member, petition (accompanied by bill, House, No. 4778) of Cory Atkins and Susan C. Fargo (by vote of the town) relative to the construction of sewer system extensions in the town of Concord;

Simon Juul Hindsgaul.

Katherine Hoar.

Benjamin J. Tamker.

Rowe, recall elections.

Lancaster, finance committee.

Amesbury, liquor licenses.

Concord, housing corporation.

Wellfleet, housing trust fund.

Concord, group health insurance.

Concord, sewer system.

Lancaster,
employment
contracts.

By Mr. Eldridge of Acton, petition (accompanied by bill, House, No. 4779) of James B. Eldridge, Harold P. Naughton and Robert A. Antonioni (by vote of the town) that certain employment contracts be granted by the town of Lancaster;

Provincetown,
historic
district.

By Mrs. Gomes of Harwich, petition (accompanied by bill, House, No. 4780) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to the historic commission of the town of Provincetown;

Provincetown,
board of
assessors.

By the same member, petition (accompanied by bill, House, No. 4781) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to the board of assessors of the town of Provincetown;

Lowell,
unpaid
bill.

By Mr. Murphy of Lowell, petition (accompanied by bill, House, No. 4782) of Keven J. Murphy, David M. Nangle, Thomas A. Golden, Jr., and Steven C. Panagiotakos (with the approval of the mayor and city council) that the city of Lowell be authorized to pay a certain unpaid bill to Munis;

Plymouth,
parking.

By Mr. O'Brien of Kingston, petition (accompanied by bill, House, No. 4783) of Thomas J. O'Brien, Virato Manuel deMacedo and Therese Murray (by vote of the town) that the town of Plymouth be authorized to regulate the parking of vehicles in the downtown-waterfront district of the town of Plymouth;

Wayland,
town
administrator.

By Mrs. Pope of Wayland, petition (accompanied by bill, House, No. 4784) of Susan W. Pope and Scott P. Brown (by vote of the town) that the town of Wayland be authorized to establish the position of town administrator;

North
Andover,
town
meeting
warrants.

By Mr. Torrissi of North Andover, petition (accompanied by bill, House, No. 4785) of David M. Torrissi, Barbara A. L'Italien, Bruce E. Tarr and Steven A. Baddour (by vote of the town) relative to opening and closing of town meeting warrants in the town of North Andover;

North
Andover,
board of
health.

By the same member, petition (accompanied by bill, House, No. 4786) of David M. Torrissi, Barbara A. L'Italien, Bruce E. Tarr and Steven A. Baddour (by vote of the town) relative to the membership of the board of health of the town of North Andover;

North
Andover,
warrant
summaries.

By the same member, petition (accompanied by bill, House, No. 4787) of David M. Torrissi, Barbara A. L'Italien, Bruce E. Tarr and Steven A. Baddour (by vote of the town) relative to the publication of summaries of the town meeting warrants in the town of North Andover;

North
Andover,
utility
easements.

By the same member, petition (accompanied by bill, House, No. 4788) of David M. Torrissi, Barbara A. L'Italien, Bruce E. Tarr and Steven A. Baddour (by vote of the town) the town of North Andover be authorized to grant a certain easement to Massachusetts Electric Company and Comcast of Massachusetts; and

North
Andover,
utility
easement.

By the same member, petition (accompanied by bill, House, No. 4789) of David M. Torrissi, Barbara A. L'Italien, Bruce E. Tarr and Steven A. Baddour (by vote of the town) for legislation to authorize the town of North Andover to grant an easement on a certain parcel of land to Massachusetts Electric Company;

Severally to the committee on Local Affairs and Regional Government.

By Mr. Rush of Boston, petition (accompanied by bill, House, No. 4790) of Michael F. Rush, Anthony Petruccelli, Brian P. Wallace and Martin J. Walsh (with the approval of the mayor and city council) for legislation to grant retirement credit to certain reinstated teachers employed in the school department of the city of Boston; and

Boston,
creditable
service.

By Mr. Walsh of Boston, petition (accompanied by bill, House, No. 4791) of Martin J. Walsh (with the approval of the mayor and city council) relative to reduction of rank for members of the fire department in the city of Boston;

Boston,
fire
department
rank.

Severally to the committee on Public Service.

By Mrs. Gomes of Harwich, petition (accompanied by bill, House, No. 4792) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to property tax exemptions for rental properties restricted as affordable housing in the town of Wellfleet; and

Wellfleet,
property tax
exemptions.

By Ms. Atkins of Concord, petition (accompanied by bill, House, No. 4793) of Cory Atkins and Susan C. Fargo (by vote of the town) relative to real estate tax exemption for elderly persons in the town of Concord;

Concord,
elderly tax
exemption.

Severally to the committee on Taxation.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Miss Garry of Dracut, petition (subject to Joint Rule 12) of Colleen M. Garry and William Smitty Pignatelli that survivors of Pearl Harbor be exempted from the excise tax imposed on owners of motor vehicles.

Pearl
Harbor,
vehicle
excise.

By Ms. Gifford of Wareham, petition (subject to Joint Rule 12) of Susan Williams Gifford and Marc R. Pacheco (by vote of the town) that the licensing authority of the town of Wareham be authorized to issue additional licenses for the sale of all alcoholic beverages to be drunk on premises.

Wareham,
liquor
license.

By the same member, petition (subject to Joint Rule 12) of Susan W. Gifford and Marc R. Pacheco (by vote of the town) relative to the safe placement of newborns and infants in the town of Wareham.

Wareham,
safe
havens.

By Mr. Kaufman of Lexington (by request), petition (subject to Joint Rule 12) of Frank A. Greco relative to the decision of the Supreme Judicial Court in the year two thousand and three establishing the definition of marriage.

Marriage,
define.

By Mr. Peterson of Grafton, petition (subject to Joint Rule 12) of George N. Peterson, Jr. and Guy W. Glodis for legislation to provide for the safe placement of newborns and infants in the town of Upton.

Upton,
placement of
newborns.

By Mr. Petruccelli of Boston, petition (subject to Joint Rule 12) of Anthony Petruccelli (with the approval of the mayor and city council) for legislation to regulate child passenger restraints in motor vehicles operated in the city of Boston.

Boston,
vehicle child
restraints.

By Mrs. Pope of Wayland, petition (subject to Joint Rule 12) of Susan W. Pope and Scott P. Brown (by vote of the town) that the town of Wayland be exempt from certain school construction requirements.

Wayland,
school
construction.

Prescription
Advantage
Program.

Elderly
housing.

Motor
vehicles,
excise tax.

Trucks,
veterans
plates.

Non-public
and
charter
schools.

World
War II
veteran,
define.

Secondary
school
employees.

Charter
schools,
study.

School
finances,
study.

By Mr. Ruane of Salem, petition (subject to Joint Rule 12) of J. Michael Ruane relative to the open enrollment period of the Prescription Advantage Program.

By the same member, petition (subject to Joint Rule 12) of J. Michael Ruane relative to emergency case status to elderly housing applicants.

By Mr. Rush of Boston, petition (subject to Joint Rule 12) of Michael F. Rush relative to prorating the excise tax on the sale or transfer of motor vehicles within the months in which such sales occur.

By the same member, petition (subject to Joint Rule 12) of Michael F. Rush that the Registrar of Motor Vehicles be authorized to issue distinctive "veteran" registration plates to owners of commercial motor vehicles.

By Mr. Walsh of Boston, petition (subject to Joint Rule 12) of William Francis Galvin, Martin J. Walsh, John A. Hart, Jr., Brian P. Wallace and Bruce J. Ayers that non-public and charter schools be required to notify parents of administrative decisions to cease operations of such school programs.

Severally, under Rule 24, to the committee on Rules.

Paper from the Senate.

A petition of Marian Walsh for legislation concerning the definition of World War Two veteran, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Human Services and Elderly Affairs.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2371) was referred, in concurrence, to the committee on Human Services and Elderly Affairs.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Michael F. Rush and other members of the General Court relative to employees of secondary schools operated by religious societies. Under suspension of the rules, on motion of Mr. Smizik of Brookline, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Commerce and Labor. Sent to the Senate for concurrence.

By Ms. St. Fleur of Boston, for the committee on Education, Arts and Humanities, on House, Nos. 1820, 1849, 2215 and 3133, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of certain House documents concerning additional charter schools (House, No. 4795).

By the same member, for the same committee, on House, No. 4648, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of a certain House document concerning regional school finance issues (House, No. 4796).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Scaccia of Boston, for the committee on Rules, that the Resolve providing for an investigation and study by a special commission relative to creating jobs in the Commonwealth (House, No. 4395) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Jobs,
special
commission.

By Mr. Hall of Westford, for the committee on State Administration, on a petition, a Bill dedicating certain lands in the town of Bridgewater under the care, custody and control of the department of correction for conservation, agricultural, open space and passive recreational purposes (House, No. 616).

Bridgewater,
land.

By the same member, for the same committee, on a petition, a Bill providing for a system of periodic legislative review and for the termination, consolidation, or re-establishment of state agencies (House, No. 2531).

Agencies,
legislative
review.

By the same member, for the same committee, on a petition, a Bill to make permanent the temporary easement granted the Bridgewater Knights of Columbus by the Armory Commission (House, No. 4268).

Bridgewater,
easement.

By the same member, for the same committee, on a petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Erving (House, No. 4531).

Erving,
convey
land.

By the same member, for the same committee, on House, No. 1380, a Bill prohibiting the Commonwealth and its political subdivisions from doing business with tax evading corporations (House, No. 4797).

Tax evaders,
state
business.

By the same member, for the same committee, on House, No. 4269, a Bill relative to the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Marlborough (House, No. 4798).

Marlborough,
land.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Orders of the Day.

Senate bills

Requiring late counting of certain overseas absentee ballots in city elections (Senate, No. 2164); and

Third
reading
bills.

Authorizing the city of Revere to reduce water and sewer fee liability in exchange for volunteer services by persons over age 60 (Senate, No. 2223);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Third
reading
bill.

The House Bill relative to the charter of the town of Andover (House, No. 3887, changed), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Recesses.

Recesses.

At nineteen minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until a quarter before two o'clock P.M.; and at thirteen minutes after two o'clock the House was called to order with Mr. Donato in the Chair.

The House soon thereafter took a further recess, on further motion of Mr. Peterson, until half past three o'clock P.M.; and at four o'clock, the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on further motion of Mr. Peterson, until a quarter after four o'clock P.M.; and at twenty minutes after four o'clock, the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on further motion of Mr. Peterson, until a quarter before five o'clock P.M.; and at twenty minutes after six o'clock, the House was called to order with Mr. Donato in the Chair.

Order.

On motion of Mr. Finneran of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

At twenty-one minutes after six o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.